

**COPYRIGHT ROYALTY JUDGES  
WASHINGTON, D.C.**

**DISTRIBUTION OF DART ROYALTY FUNDS**

**CONSOLIDATED DOCKET NO.  
2008-3 CRB DD (2007-2011)  
SRF/CO**

**PRO SE MOTION REBUTS CONTRADICTS AARC REPLY 10-29-19 TO DISMISS AS  
UNTIMELY OUT OF TIME AND TO DENY AARC MOTION TO DISMISS AS UNTIMELY**

Pro Se counter affidavit 28 USCA ss.1746 declaration in chief compulsory counterclaim asserted as timely and cognizable. AARC compulsory counterclaim is not cognizable based on failure to act assert counterclaim 6-22-19 and 8-9-19 PTP in original action by deadline as untimely. May not be brought in later for being untimely response 10-29-19. Thus AARC claim for relief is baseless, w/o merit and moot to dismiss.

AARC bad motives pattern of simulated facts Admission by Silence failure to act in timely manner before deadlines to dismiss to reply to unopposed evidence by Circle God Network Inc. d/b/a David Powell 37 CFR s.s 383 and 384 respectively.

AARC repeated retaliatory wrongful conduct faint sham exception pleader to mislead judges decision with prosecutor affirmative misconduct legal prejudice. Based on grounds with clarity how, why, on the basis of active fraudulent misrepresentation concealment and nondisclosure of ultimate facts with interloper interference intervening Officers of the Court. Ignoring Judges order in reckless disregard wanton misconduct of 6-19-19 for claimant to file late PTP. Then AARC retaliatory repeated pattern Sham Exception dates of 4-29-19, 5-

7-19 denied by judges order again using false language and false statements. Claimant CGN Inc. d/b/a David Powell establishes prima facie case.

Pro Se claimant asserts injury in fact Standing and Third Party Standing enforceable in the Zone of Interest points and suggestion of error review Prove Up accomplice liability. Submission to a special finding of facts spoliation bursting bubble theory hot documents enclosed smoking gun untimely past deadlines non reply nondisclosure suppression of evidence abuse of power with undue influences legal prejudice shown.

In addition, immediate breach also of payment twice for same Dart proceedings now requesting refund for \$150.00. Examination of record will prove full and literal proof dates paid 1-25-19 and again 6-22-19 offer of proof enclosed. For irreparable harm.

Pro Se asserts Equitable and Judicial Estoppel substantial prejudice unless estoppels succeeds. Presumption disappears on presumed facts have been contradicted by Pro Se credible corroborated evidence. A Anti-Competitive conduct permanent Exclusion a sham exception to harm Pro Se claimant entitlement exclusion participant in Royalty Distribution Funds ever. Noerr Pennington Doctrine United Mine Workers vs Pennington, 381 U.S. 657, 85 S. CT. 1585 (1965).

Thus AARC participants and record labels repeat fraud on the court to gain economical advantage monopoly power leverage with fabricated evidence under false pretext. A Crime Fraud Exception Clark vs U.S., 289 U.S. 1, 53 S. CT. 465 (1933).

A Wire and Mail Fraud as AARC being participants designated common agent.

AARC did not file a reply in either initial pleading or direct statement pleading 10-29-19 by deadlines. Thus any AARC participants and labels w/ footnotes (1-3) argue that any opposition at this point is untimely for this 2007 SRF/CO for Pro Se claimant partial distribution has ended to the extent that is untimely for judges to intervene interference interloper. Thus AARC participants cannot revisit Judges decision 6-19-19, 4-29-19, 5-7-19, and 10-29-19 repeated motion to dismiss late petition again order.

AARC participants and labels lacks of legally sufficient evidentiary basis for a fact finder Judge to rule in AARC participants favor. The Judges have recently denied similar motion in this proceeding. (The judge cannot grant a request they already denied) the AARC motion should also be denied because it is incoherent sham pleading pattern. Pro Se motion the judge should dismiss AARC entirely from this proceeding all together for affirmative misconduct vexation delay and to disburse Pro Se claimant 2007 Royalty distribution 2% for each sub funds immediately or more at its discretion for retaliatory prosecutorial officers of the court willful misconduct. Pro Se exploitation inescapable peril to proceed after judges approved order. Coercive Relief requested accordingly AARC motion should be denied.

Respectfully Submitted,

David Powell, Pro Se

POB 010950 Miami, Fl. 33101 (305) 539-1755

[Davidpowell008@yahoo.com](mailto:Davidpowell008@yahoo.com)

## **PROOF OF DELIVERY**

**I hereby certify that on November 4, 2019 a true and correct copy was sent to:**

Linda R. Bocchi Esq AARC 701 N. Fairfax Street Ste. 601 Alexandria, Va 22314







[lbocci@AARCroyalties.com](mailto:lbocci@AARCroyalties.com)

Herman Kelly, Pro Se POB 14157 Detroit, MI 48214 [hermankelly@att.net](mailto:hermankelly@att.net)

Eugene Curry 4000 Gypsy Lane Philadelphia, Pa 19129 [lambchopsmusic@voicenet.com](mailto:lambchopsmusic@voicenet.com)

**Signed: /s/ David Powell, Pro Se**



| Status  | Docket #   | Caption   | Processed                     | Document(s)   |
|---|--|---|-------------------------------|---|
|  <b>Approved</b><br>Payment Complete | CONSOLIDATED<br>2008-3 CRB DD<br>(2007-2011 SRF) | Distribution<br>of the 2007,<br>2008, 2009,<br>2010, and<br>2011<br>Digital<br>Audio<br>Recording<br>Technology<br>Royalty<br>Funds for<br>the Sound<br>Recordings<br>Funds | 06/24/2019<br>01:59 PM<br>EDT |  Petition to Participate in the<br>Dart Distribution Proceedings<br>2007-2011 SRF Legal Discussion<br>Statutes and Regulations<br><i>distribution of dart royalty funds<br/>dkt. no 2008-3 CRB DD (2007-<br/>2011 SRF) motion for leave to file a<br/>late petition to participate ss.<br/>351.1(d).pdf</i> Payment Complete |
|  <b>Declined</b>                     | 2009-3 CRB DD<br>2008                            | Distribution<br>of 2008<br>Digital<br>Audio<br>Recording<br>Funds   | 08/05/2019<br>04:33 PM<br>EDT |  Motion other resent docket<br>no. 2008-3 CRB DD (2007-<br>2011SRF) dart royalty funds<br><i>new doc 2019-01-15<br/>17.56.00_20190115175802.pdf</i>  |
|  <b>Declined</b>                   | CONSOLIDATED<br>2008-3 CRB DD<br>(2007-2011 SRF) | Distribution<br>of the 2007,<br>2008, 2009,<br>2010, and<br>2011<br>Digital<br>Audio<br>Recording<br>Technology<br>Royalty<br>Funds for<br>the Sound<br>Recordings<br>Funds | 09/23/2019<br>03:09 PM<br>EDT |  (PROPOSED) ORDER NIL<br>DITIT DEFAULT GRANTED<br>CLAIM FOR COERCIVE RELIEF<br>2ND RELIEF DAMAGES<br>SOUGHT FOR DEFAMATORY<br>STATEMENTS SUA SPONTE<br><i>2019-09-11_15-53-28.doc</i>  |



## Your eCRB filing fee payment has been submitted

January 24, 2019 at 8:14 PM

david,

You submitted the following Copyright Royalty Board filing fee payment through the eCRB system:

Filing date: 01/24/2019

Payment amount: \$150.00

Filing details: Petition to Participate in Docket #CONSOLIDATED 2008-3 CRB DD (2007-2011 SRF) for Powell, David.

Pay.gov will process your payment. Please contact Pay.gov with any questions regarding the status of that payment.

Thank you,

eCRB User Support Team

# Documents

**Filed Doc. #:** 04959

**Title:** Petition to Participate

**Type:** Petition to Participate

**Payment Status:** Payment Complete

**Participant(s):**

Not Representing:

Powell, David

**Status:**  Approved

Copyright Royalty Board



RECEIVED & FILED

MAR 21 2019

received interoffice  
CRB 4-8-19-ab

3RD NOTICE AVERMENT  
CONTINUOUS ACTION  
COPYRIGHT ROYALTY BOARD

PG 1 of 3

3-14-19

TO: COPYRIGHT ROYALTY JUDGES / CUSTOMER SUPPORT  
RE: ECRB COMPUTER SOFTWARE PROBLEMS NOTICE

1. I DAVID POWELL: CIRCLE GOD NETWORK INC., DUE TO A PREDICATED REPEATED PATTERN OF ECRB ONLINE TECHNICAL PROBLEMS.
2. THUS FILERS ABOVE HAVE GIVEN IMMEDIATE NOTICE TO COPYRIGHT ROYALTY BOARD. THAT OF ENCOUNTERING SOFTWARE PATTERN PROBLEMS. DENYING ONLINE ACCESS TO PROPER POP UP SCREEN SEQUENCE. REPEATED REJECTS, TO FILE SEEKING LEAVE FOR ENLARGEMENT OF TIME TO REFILE PETITION TO PARTICIPATE. DART CASE NO. 2008-3 CRB DD (2007-2011). THUS PRO SE MR. POWELL CANNOT COMPLETE FILING BY JUDGES DEADLINE: OR RULES. (M)(1-3) § 55.350.6(b)(4) TECHNICAL PROBLEMS § 350.5 (M)(1-3).
3. AS OF THIS DATE FILER C/b/a DAVID POWELL HAVE GIVEN EMAIL, TELEPHONE, SPOKE, & WRITTEN CONFIRMATION PROVED UP NOTICE. ON DATES 3-14, 15, 2019 MADELINE & ROBIN IN CUSTOMER SUPPORT. AS OF THIS LETTER, PROOF GOOD CAUSE SHOWN AGAIN. PER SUA SPONTE & ECRB RULES THE FILER DAVID POWELL CAN MAKE THE FILING VIA EMAIL FORTHCOMING. THE FILING DATE WILL MATCH TIMESTAMP DATE IN EMAIL.

4. DAVID POWELL AS COMMON AGENT FILER CLAIMANT. PRACTICE AND PATTERN PERSISTENT VEXATIOUS DELAY HARASSMENT BY OFFICERS OF THE COPYRIGHT ROYALTY BOARD & ITS EMPLOYEES WIRE FRAUD. TO DENY MR. POWELL EQUAL COMPUTER ACCESS TO ECRB.GOV. CHILLING EFFECTS NECESSARY IMPLICATION.
5. PROVED UP SMOKING GUN HOT DOCUMENTS PROOF ENCLOSED & MATTER OF RECORD OF MR. POWELL & CIRCLE GOD NETWORK INC DISPARATE TREATMENT. TO MEET ALL TIMELY FILING DEADLINES & REPLY TO PARTICIPATE AS OTHERS IN ALL PROCEEDINGS. MR. POWELL HAS A SUBSTANTIAL SIGNIFICANT INTEREST. BAD MOTIVE TO ACCESS, CLASS BASED ANIMUS CIVIL RIGHTS CONSPIRACY'S 2ND NOTICE 1.22.19 PROOF ENCLOSED TO TIMELY PARTICIPATE PATTERN.
6. A SPECIAL FINDING EVIDENCE OF FACTS, LAW, & ARGUMENTS SUBMISSION TO FINDINGS.

RESPECTFULLY SUBMITTED

305 539-1755

David Powell, PRO SE

POB 010950 TAMM, FL 33101

4 COPIES ENCLOSED DAVID POWELL DDB@YAHOO.COM



PG 3 of 3

WILL NOTIFY PARTIES BY TEXT, E-MAIL,  
OR MAIL & CRB REPLY TO PRESERVE MY  
VESTED RIGHTS.

PROOF OF DELIVERY

I CERTIFY THAT A TRUE COPIES WAS SENT  
NOTICE GIVEN ON MARCH 19, 2019 TO:

COPYRIGHT ROYALTY BOARD

David Powell, PRO SE

53 360.22(1) BOYCOTTED ACTIVE CONCEALMENT  
CHECK RETURN IN 2019  
FOR DART DISTRIBUTION MNF  
2009-2011 REPEAT PATTERN HOT  
DOCUMENT MAILING WIRE FRAUD

DAVID C. POWELL, SR. REV TR 03-03  
DAVID C. POWELL, JR. TTEE

URTAD 3/1/00  
P.O. BOX 10950  
MIAMI, FL 33101

181  
8-9/430  
531

10-10-17 Date

Pay to the Order of COPYRIGHT ROYALTY BOARD \$ 150.00

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CAUTION



This email sent for email filings computer problems not resolved by deadline as notification. Can not file notice of appearance as pro se and settlement agreement settling parties claimants and allocation phase participants. In all cable and satellite distribution prior and current proceedings. To include consolidated docket numbers: 14-crb-0010-cd(2010-2013),14-crb-0011-sd(2010-2013) ; 16-crb-0009-cd(2014-2017),16-crb-0010-sd(2014-2017) royalty payments. Comments and or verified motion to participate before December 10,2018 deadline.

Sincerely

David Powell, pro se

305 967-2021 or email reply



Mr David Powell filer  
complies,w/online technical  
difficulties due to uploading  
docket selection drop down  
list. No assign approval  
processed docket number. (m)  
(1-3);350.6(b)(4) written  
confirmation forthcoming to  
preserved vested rights.  
Secondly petition to participate  
verified motion agreed w/  
settling parties for partial and  
final distribution 2013-6 CRB  
DD (2009-2011) MWF  
consolidated proceedings w/  
cable and satellite distribution .  
Added to settlement list and  
allocation phase parties I and  
II . Dart parties objection is w/o  
merit baseless and moot as  
unreasonable decision verified  
motion countermanded order.  
No controversy exist in dart  
cable and satellite

## Proof of Delivery

I hereby certify that on Tuesday, November 05, 2019, I provided a true and correct copy of the Pro Se motion rebuts contradicts AARC reply 10-29-19 to dismiss as untimely out of time and to deny AARC motion to dismiss as untimely to the following:

AARC, represented by Linda Bocchi, Esq, served via Electronic Service at  
lbocchi@aarcroyalties.com

Curry, Eugene, represented by Eugene Curry Mr., served via Electronic Service at  
lambchopsmusic@voicenet.com

Signed: /s/ david powell